

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TROY D. WHITMORE a/k/a)	
DON GREGERSON, #N-71463,)	
)	
Plaintiff,)	
)	Case No. 3:04-CV-00837-PMF
v.)	
)	
DONALD SNYDER, et al.,)	
)	
Defendants.)	

MOTION FOR EXTENSION OF TIME

COMES NOW Plaintiff, Troy D. Whitmore, by and through the undersigned counsel, and, pursuant to Federal Rule of Appellate Procedure 4(a)(5), moves this Court for an extension of time to file a Notice of Appeal, and in support thereof state as follows:

1. On November 9, 2012, following a two-day trial by jury, this Court entered its judgment on all counts of Plaintiff's Complaint, thus closing this case. [dkt #240]

2. Pursuant to Fed. R. App. P. 4(a)(1)(A), Plaintiff's current deadline to file a notice of appeal is thirty (30) days after entry of judgment, or Monday, December 10, 2012.

3. This Court may extend Plaintiff's deadline for up to thirty (30) days upon a showing of good cause or excusable neglect. Fed. R. App. P. (4)(a)(5).

4. Contemporaneously with this Motion, counsel for Plaintiff has moved to withdraw for the reasons set forth in detail therein.

5. Additionally, Plaintiff was not allowed to attend the second day of his two-day trial, and as such, he requires additional time to review the record.

6. In light of counsel's anticipated withdrawal and the fact that Plaintiff was not present at the second day of his trial, Plaintiff requires additional time to fully and adequately review the record to determine whether a notice of appeal should be filed.

7. Plaintiff respectfully requests that, for good cause shown, he be granted an additional thirty (30) days up to and including Wednesday, January 9, 2013, to file a notice of appeal pursuant to Fed. R. App. P. 3 and 4.

8. The instant request will not prejudice any party and is not made to harass any party or delay these proceedings or for any other improper purpose.

WHEREFORE, Plaintiff requests that the Court grant his Motion for Extension of Time and award such other and further relief as it deems just and proper.

Dated: November 27, 2012

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ David A. Weder
R. Bradley Ziegler, #6288737
David A. Weder, #6298764
John H. Kohler, #63940
600 Washington Ave., Ste. 2500
St. Louis, Missouri 63101
314.444.7792 (direct)
314.612.7792 (facsimile)
bziegler@lewisrice.com
dweder@lewisrice.com
jkohler@lewisrice.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served electronically via the Court's ECF filing system to all counsel of record and to Plaintiff via Federal Express Priority Overnight at the address indicated below on this 27th day of November, 2012:

Don Gregerson a/k/a Troy Whitmore
#N-71463
Stateville Correctional Center
16830 S. Broadway St.
Joliet, IL 60434

Plaintiff

/s/ David A. Weder